

# IN THE HIGH COURT OF BOMBAY AT GOA

## WRIT PETITION NO. 529 OF 2007

SHRI. MEGHANATH RAMA BANDEKAR ... Petitioner  
Versus  
SHRI. SANJAY DEVIDAS BHAT PINGE ... Respondent

Mr. C. A. Coutinho, Advocate for the petitioner.  
Mr. V. R. Tamba, Advocate for respondent.

Coram:- R. S. MOHITE, J.

Date:- 2nd November, 2007

P.C.

Heard both sides. This petition challenges an order passed by the Administrative Tribunal, Goa dated 3.9.07 in Panchayat Election Petition No.24/07. By the impugned Judgment and Order, the Administrative Tribunal has set aside the election of the petitioner to the Village Panchayat of Loliem Polem of Canacona Taluka. The petitioner who contested the election from Ward No.5, was declared elected. Prior to his election, however, he was convicted for an offence under Section 353 of the Indian Penal Code by Judgment and Order dated 14.3.07, passed by the Judicial Magistrate, First Class, Canacona.

2. It was contended on behalf of the petitioner that an appeal had been filed against his conviction to the Sessions Court. It is, however, now admitted by both the Counsel that the said appeal has been dismissed by the Sessions Court, on merits. The Administrative Tribunal has relied upon a Judgment passed by a Division Bench of this Court in the case of Dr. Shankar s/o. Bhagwan Ambhore vs. Vice Chancellor, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad & ors., reported in 2006(4) All MR 522. In that case also, the conviction was under Section 353 IPC and it was expressly held by the Division Bench that it amounted

to an offence involving moral turpitude. It was sought to be argued in that case that the assault was on the professor; whereas in the present case, the assault was on a police constable and a driver. In my view, the conduct of the petitioner involved in this case is more serious in so far as he has assaulted the police constable and the driver who were put on duty to maintain the law and order.

3. In my view, there is no merit in this petition and the same is rejected.

R. S. MOHITE, J.

ssm.